

Application serial no. 09/755,777
Amendment dated February 17, 2005
Reply to Office Action dated December 17, 2004

REMARKS

Claims 1 – 24 are pending in the application. Claims 15-23 have been ~~pending in the application~~ withdrawn. By this paper, it is proposed to amend claims 1, 13, 14 and 24 ~~in order to~~ ~~to cause~~ place the application in condition for allowance or to narrow the issues for appeal. Entry of this amendment, reconsideration and allowance of claims 1-14 and 24 in light of the arguments herein is respectfully requested.

Prior Art Rejection of Claims 1 – 14 and 24 Pursuant to 35 U.S.C. §103(a)

Claims 1-14 and 24 stand rejected under 35 U.S.C §103(a) as being unpatentable over the San Jose Mercury News article "Little Saigon Gets Cemetery South Vietnamese Soldiers, Relatives Find Peace in Orange County" ("Article 6/2000"), dated June 15, 2000, in view of Applicant's admitted prior art.

By this paper, claims 1, 13, 14 and 24 have been amended to further distinguish the invention defined by these claim. It is respectfully submitted that the cited and applied prior art fails to disclose all the elements of amended claims 1-14 and 24.

According to the office action, the need disclosed in the Background of the present patent application at page 3, first paragraph, is adequately met by the disclosure of Article 6/2000. It is respectfully noted that the second sentence of this paragraph reads in part, "what is needed is a burial structure that does not require extra real estate...." A cemetery in which plots are sold requires substantial real estate by any entity seeking to implement the method of claims 1, 13, 14 and 24. Instead, the present invention defined by these claims provides for a storage and display case for cremation remains. Such a case can require minimal real estate and, if placed on property of the entity, requires no additional real estate at al. Thus, the invention of claims 1, 14 and 24 actually meets the needs set out in the Background, unlike a cemetery as proposed by the rejection.

Secondly, claims 1, 13, 14 and 24 have been amended to emphasize that the cremation remains display case may be positioned at a location associated with the entity. Support for this amendment may be found at, for example, page 8, lines 8-12 of the application. For example, claim 14 recites "displaying the burial columbarium on the

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property of said entity" to honor those whose remains interred there. Obviously, a plot in a cemetery is not amenable to being located on an entity's property. Claims 13 and 24 alternatively recite that the storage and display case is at a location "near the storage and associated with said entity." Thus, the storage and display case may be on property other than that owned by the entity, property which is not a cemetery but has some other relationship to the entity. These amendments emphasize the distinction over the Article 6/2000, which describes cemetery plot sales for war veterans, and the claimed invention which relates to sales of cremation remains storage cases.

The office action further asserts that the Article 6/2000 differs from the claimed invention of claim 1 except for (1) carrying out step (a) by a provider of burial structures and (2) with a storage and display case for housing cremation storage vessels. However, claims 1 and 14 have been amended to recite that the providing step (a) is performed by a provider of columbaria. Support for this amendment may be found at page 6, lines 16-20 of the present application. The Article 6/2000 clearly does not disclose this limitation or feature (1) identified by the office action.

With respect to the other identified limitations (2), the office action asserts that it would have been obvious to modify burial, as in Article 6/2000, by using cremation storage vessels; that the selective type of burial is a result effective variable; and that the type of variable depends on factors such as culture. Claims 1, 13, 14 and 24 have been amended to recite selling to donors who desire *cremation upon their death*. For such donors, burial is not an option. Prior art disclosure of practices related to cemetery burial does not relate to cremation and modification of the disclosure of the Article 6/2000 is not suggested for the invention defined by claims 1, 13, 14 and 24... A fund raising method involving people who have selected cemetery burial teaches away or bears no relation to a fund raising method involving spaces for cremation remains and for people who desire *cremation upon death*.

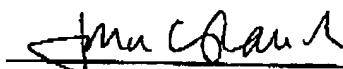
Accordingly, entry of this amendment, withdrawal of the final rejection and allowance of claims 1-14 and 24 are respectfully requested.

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REC'D. 2/17/05

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



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